

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 0:10-226-JFA
)	
v.)	ORDER
)	
XAVIER DERICO NICHOLS)	
)	
_____)	

The government has filed a motion for a reduction of sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure. Specifically, the government suggests that the defendant has provided unrewarded substantial assistance in the investigation and prosecution of other individuals and that this assistance conforms to the guidelines and policy statements of the United States Sentencing Commission pursuant to 28 U.S.C. § 994. In connection with its motion, the government recommends a 5-level reduction in the defendant's total offense level.

Consistent with its standard practice, this court advised the defendant that the government's motion to reduce his sentence had been filed and invited him to provide information that the court might consider in determining the extent of the departure. The defendant did not respond.

After carefully reviewing the materials submitted by the government, this court is of the opinion that a reduction of 5 levels is appropriate in this case.

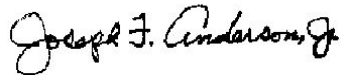
The defendant was originally sentenced on March 11, 2011, after pleading guilty to being a felon in possession of a firearm. At sentencing, the defendant's offense level was

30, and with a criminal history category of VI, this yielded a sentencing guideline range of 180 to 210 months. He was sentenced to 180 months imprisonment. Applying a 5-level reduction under the Rule 35 motion, the defendant's new offense level is 25 and the criminal history category remains at VI, yielding an advisory sentencing range of 110 to 137 months imprisonment.

Accordingly, the government's motion for a reduction of sentence is hereby granted. The custodial portion of the defendant's sentence is hereby reduced to a term of 110 months. All other aspects of the original sentence remain in full force.

IT IS SO ORDERED.

August 15, 2012
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge